

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:11-CV-211-D

JERRY L. PACE, SR., Administrator
of the Estate of Jerry L. Pace, Jr.,

Plaintiff,

v.

STEVE SMITH, individually and in his
capacity as former Chief of Police of the
City of Williamston Police Department,
North Carolina, et al.,

Defendants.

ORDER

On February 24, 2012, defendants filed a motion to dismiss for failure to state a claim [D.E. 13], along with a supporting memorandum [D.E. 14]. On March 23, 2012, plaintiff responded in opposition [D.E. 24]. On the same day, plaintiff filed a motion to dismiss defendants' counterclaim for failure to state a claim [D.E. 26]. On April 13, 2012, defendants responded in opposition [D.E. 30]. The court has reviewed the plaintiff's complaint and defendants' counterclaim in light of the governing standard. See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal, 556 U.S. 662, 677–84 (2009); Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007); Coleman v. Md. Ct. of Appeals, 626 F.3d 187, 190 (4th Cir. 2010), aff'd, 132 S. Ct. 1327 (2012); Giarratano v. Johnson, 521 F.3d 298, 302 (4th Cir. 2008); Goodman v. Praxair, Inc., 494 F.3d 458, 464–65 (4th Cir. 2007) (en banc). The motions to dismiss [D.E. 13, 26] are DENIED.

SO ORDERED. This **21** day of June 2012.


JAMES C. DEVER III
Chief United States District Judge